



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,235	12/08/2003	Kazuto Yoneyama	16869P-097700US	4953
20350 7590 02/02/2010 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER				
GORTAYO, DANGELINO N				
ART UNIT		PAPER NUMBER		
2168				
MAIL DATE		DELIVERY MODE		
02/02/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/731,235

Applicant(s)

YONEYAMA, KAZUTO

Examiner

DANGELINO N. GORTAYO

Art Unit

2168

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24, 25 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24, 25, and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/13/2010 has been entered.

Response to Amendment

2. In the amendment filed on 1/13/2010, Claims 24, 25, and 27 have been amended. The currently pending claims considered below are Claims 24, 25, and 27.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 24-25 and 27 are rejected under 35 U.S.C. 102(e) as being unpatentable over Kanazawa et al (US Patent 6,580,870 B1)

As per claim 24, Kanazawa teaches “A device for reproducing a content recorded on a recording medium, the device comprising:” (see Abstract)

“a recording medium control module configured to reproduce the content from the recording medium;” (column 4 lines 44-53, column 14 lines 10-19, wherein a drive accepts and reproduces content from a recording medium containing audiovisual information)

“a network control module coupled with the recording control module, the network control module configured to download content;” (column 4 lines 53-62, column 6 lines 14-30, column 8 lines 10-21, wherein a communication control section and modem connects to a server containing content)

“a playback control module coupled with the recording medium control module and the network control module, the playback control module configured to output the content reproduced by the recording medium control module and/or the content downloaded by the network control module;” (column 6 line 61 – column 7 line 10, column 7 line 53 – column 8 line 9, column 15 lines 11-31, wherein data from the recording medium is streamed and outputted)

“and a system control module coupled with the recording medium control module and the network control module, the system control module configured to control the operations of the recording medium control module and the network control module;” (column 4 lines 45-53, column 6 lines 51-60, column 8 lines 22-65, column 14 lines 10-16, wherein a CPU controls the operations of the communicator and drive containing the recording medium)

"wherein the content recorded on the recording medium includes all of the following: audiovisual content, identification information for identifying the audiovisual content, universal resource locator (URL) information for indicating a location of a related content which relates to the audiovisual content, and data which includes information which is configured to direct the related content to be downloaded or played back;" (column 4 line 65—column 5 line 54, column 8 lines 10-46, wherein the recording medium contains audiovisual information, title information, identifier information, URL information to access servers containing content, and link information to connect to resources for accessing content related to the data in the recording medium)

"wherein the recording medium control module reproduces the data on the recording medium, and wherein a request to download or playback the related content is determined by the reproducing of the data;" (column 6 lines 32-50, column 7 line 53 – column 8 line 9, column 11 lines 17-38, column 15 lines 34-57, wherein the drive reads data from the recording medium through a playback module and a request to download additional content from a remote server is determined by the stream or scene information)

"and wherein, if the data includes information which represents that the related content is to be downloaded or played back, the system control module is further configured to instruct the network control module to connect with the server using the URL information and the data reproduced by the recording medium control module, to send the content identification information reproduced by the recording medium control module to the server, to download the related content from the server using the data to

execute a command to connect the device to the server automatically after reproduction of the data;" (Figure 11A, 19A, column 5 lines 18-54, column 6 lines 42-60, column 7 line 53 - column 8 line 46, column 15 lines 34-57, column 16 lines 1-58, wherein, during playback, audiovisual information is identified and the user is presented with information related to the recording medium data and to the information retrieved from the server)

"wherein the system control module is further configured to instruct the playback control module to play back the related content, automatically, if the data includes information which represents that the related content is to be played back." (column 5 lines 34-54, column 7 line 53 - column 8 line 46, column 15 lines 34-57, column 16 lines 1-58, wherein additional information from a server is simultaneously presented with the audiovisual information from the recording medium if it is determined to be played back)

As per claim 25, Kanazawa teaches "A method for reproducing a content recorded on a recording medium, the method comprising:" (see Abstract)

"reproducing audiovisual content, identification information for identifying the audiovisual content, universal resource locator (URL) information for indicating a location of a related content which is related to the audiovisual content, and data which includes information which is configured to direct the related content to be downloaded or played back;" (column 4 line 65—column 5 line 54, column 8 lines 10-46, wherein the recording medium contains audiovisual information, title information, identifier information, URL information to access servers containing content, and link information

to connect to resources for accessing content related to the data in the recording medium)

“reproducing the data on the recording medium, wherein a request to download or playback the related content is determined by the reproducing of the data;” (column 6 lines 32-50, column 7 line 53 – column 8 line 9, column 11 lines 17-38, column 15 lines 34-57, wherein the drive reads data from the recording medium through a playback module and a request to download additional content from a remote server is determined by the stream or scene information)

“if the data includes information which represents that the related content is to be downloaded or played back, connecting with the server, automatically after the reproduction of the data, using the URL information and the data reproduced from the recording medium;” (column 4 lines 53-62, column 5 lines 18-54, column 6 lines 42-60, column 7 line 53 - column 8 line 46, column 15 lines 34-57, column 16 lines 1-58, wherein, during playback, audiovisual information is identified and the user is presented with information related to the recording medium data and to the information retrieved from the server)

sending the content identification information reproduced from the recording medium to the server; (column 5 lines 46-54, column 8 lines 22-46, column 16 lines 1-58, wherein audiovisual information is identified and the user is presented with information related to the recording medium data and requests to download it and display the content)

downloading the related content from the server, (column 5 lines 46-54, column 8 lines 22-46, column 16 lines 1-58, wherein audiovisual information is identified and the user is presented with information related to the recording medium data and requests to download it and display the content)

playing back the audiovisual content which is reproduced from the recording medium (Figure 11A, 19A, column 5 lines 46-54, column 7 line 53 - column 8 line 46, column 15 lines 34-57, column 16 lines 1-58, wherein audiovisual information is identified and the user is presented with information related to the recording medium data)

and automatically playing back the related content which is downloaded from the server, if the data includes information which represents that the related content is to be played back.” (Figure 11A, 19A, column 5 lines 34-54, column 7 line 53 - column 8 line 46, column 15 lines 34-57, column 16 lines 1-58, wherein additional information from a server is simultaneously presented with the audiovisual information from the recording medium if it is determined to be played back)

As per claim 27, Kanazawa teaches A method for recording a content on a recording medium (see Abstract)

comprising: recording an audiovisual content, recording an identification information for identifying the audiovisual content, recording a URL information indicating a location of a related content relating to the audiovisual content; (column 4 line 65—column 5 line 54, column 6 lines 37-50, wherein the recording medium

contains audiovisual information, title information, identifier information, and URL information to access servers containing content)

and recording data which includes information which is configured to direct the related content to be downloaded or played back; (column 4 line 65—column 5 line 54, column 8 lines 10-46, wherein the recording medium contains audiovisual information, title information, identifier information, URL information to access servers containing content, and link information to connect to resources for accessing content related to the data in the recording medium)

“wherein the data on the recording medium is reproduced by the reproducing device and, wherein a request to download or playback the related content is determined by the reproducing of the data;” (column 6 lines 32-50, column 7 line 53 – column 8 line 9, column 11 lines 17-38, column 15 lines 34-57, wherein the drive reads data from the recording medium through a playback module and a request to download additional content from a remote server is determined by the stream or scene information)

“and wherein the URL information and the data are used for connecting with the server, sending the content identification information to the server automatically after the reproduction of the data, downloading the related content from the server,” (Figure 11A, 19A, column 5 lines 18-54, column 6 lines 42-60, column 7 line 53 - column 8 line 46, column 15 lines 34-57, column 16 lines 1-58, wherein, during playback, audiovisual information is identified and the user is presented with information related to the recording medium data and to the information retrieved from the server)

and automatically playing back the related content which is downloaded from the server, if the data includes information which represents that the related content is to be played back.” (column 5 lines 34-54, column 7 line 53 - column 8 line 46, column 15 lines 34-57, column 16 lines 1-58, wherein additional information from a server is simultaneously presented with the audiovisual information from the recording medium if it is determined to be played back)

Response to Arguments

5. Applicant's arguments, see page 5, filed 1/13/2010, with respect to the rejection of claims 24, 25, and 27 in regards to 35 USC 102(e) have been fully considered but they are not persuasive.

a. Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. See MPEP 2111 [R-I]

Interpretation of Claims-Broadest Reasonable Interpretation

During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).

b. Applicant's arguments is stated as Kanazawa does not teach content recorded on the recording medium contains data which includes information

which is configured to direct the related content to be downloaded or played back.

In regards to the argument, Examiner respectfully disagrees. As specifically disclosed by Kanazawa in column 4 line 65 – column 5 line 53, the DVD, interpreted by the Examiner to be the recording medium, contains title information and information management tables, as embodied in Figure 2. The information management table specifically contains information to access resources and relate specific information embodied in servers with parts of audiovisual content, as well as access, or link information to locate the web servers containing additional data, as specifically disclosed in column 5 lines 34-54. As disclosed by Kanazawa in column 5 lines 47-53, access information is information to connect to resources for accessing a Web page corresponding to data, to be downloaded from the server. Utilization of the access information is further disclosed in column 8 lines 10-46, wherein the CPU accessing the recording medium utilizes the access information read from the recording medium to access and download a web server containing information to be displayed to a user. The information from the web servers are downloaded, the information being related content to the audiovisual information stored in the DVD. Furthermore, column 7 line 54 – column 8 line 46 teaches that while the DVD is played back, information retrieved from the web server can be presented and played back to the user with the stream it is related to, as determined by identification information linking streams of information from the recording

medium with specific information retrieved from the web servers. As disclosed in the summary of the invention (column 2 lines 1-8), the information retrieved from web servers can be hypermedia content, and not just text information as the applicant argues in page 5 of the response. This is further disclosed in column 11 lines 17-42 and lines 47-62, wherein the DVD playback module plays back the audiovisual information, as well as displaying the HTML contents specified in the URL together with the content. As interpreted by the Examiner, once data from the web servers are downloaded, it is then simultaneously played back to the user with the related stream from the recording medium. Therefore, Kanazawa teaches content recorded on the recording medium contains data which includes information which is configured to direct the related content to be downloaded or played back.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANGELINO N. GORTAYO whose telephone number is (571)272-7204. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dangelino N Gortayo/
Examiner, Art Unit 2168

Dangelino N. Gortayo
Examiner

/Tim T. Vo/
Supervisory Patent Examiner, Art
Unit 2168

Tim T. Vo
SPE